

UNITED STATES DISTRICT COURT

SEP 14 2018

for the

Southern District of Texas

Clerk of Court

United States of America

v.

Antonio RAMOS-Balam
DOB: 1981 COB: Mexico

Case No.

M-18-1931-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 13, 2018 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 USC § 922(k)

Unlawful to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered.; To Wit; Sig Sauer, Model P938, 9mm caliber pistol, with obliterated Serial Number.

This criminal complaint is based on these facts:

(See ATTACHMENT A as a continuation)

☒ Continued on the attached sheet.

approved by
N87 ASR

Sworn to before me and signed in my presence.

Date: 09/14/2018

City and state: McAllen, Texas



Complainant's signature

Vincent Rubbo - ATF Special Agent

Printed name and title



Judge's signature

J. Scott Hacker, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

Your affiant, Vincent Rubbo, being duly sworn, depose and states the following:

1. I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a law enforcement officer since January 2015. Your affiant's current duties and responsibilities with ATF include investigating violations of federal firearm statutes. Based on my training and experience, I am familiar with Title 18, United States Code, Section 922(k), which makes it unlawful for any person to knowingly transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered.
2. The information enumerated in the paragraphs below, furnished in support of this affidavit, is derived from my own observations, training and experience and upon statements made by witnesses and other law enforcement officers.
3. On September 13, 2018, ATF McAllen assisted Drug Enforcement Administration (DEA) McAllen with a consent search of Antonio RAMOS-Balam's residence in McAllen, Texas. RAMOS-Balam provided Agents with written consent to search his residence located in McAllen, TX. While conducting the consent search, ATF Agents discovered a Sig Sauer, model P938, 9mm caliber pistol, whose serial number had been obliterated. On the frame of the previously mentioned pistol, where the serial number is located per the manufacturer, there is evidence of altering of the serial number from being recognizable. The pistol was located inside a work boot in the master bedroom walk in closet. Additionally, the search yielded 32 rounds of assorted caliber ammunition that were found throughout the master bedroom closet.
4. During a post Miranda interview, RAMOS-Balam admitted to having purchased the aforementioned pistol from an acquaintance for approximately \$500 dollars. RAMOS-Balam stated he did not scratch the serial number off and had purchased the pistol approximately a month ago (August 2018) knowing the serial number of the firearm was scratched off. RAMOS-Balam stated he had purchased the firearm for his wife.
5. RAMOS-Balam stated he is a citizen and national of Mexico by virtue of birth in Balancan, Tabasco, Mexico. RAMOS-Balam stated he is currently residing in the United States of America without any legal immigration documents allowing him to remain or reside in the United States. ATF Agents determined that RAMOS-Balam is prohibited from possessing firearms and ammunition.

ATTACHMENT A

6. The evidence in this case establishes probable cause that RAMOS-Balam has violated the following Federal law:

- Title 18, U.S.C. § 922(k) – To knowingly transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered.

7. Lastly, on September 13, 2018, an ATF agent trained in the Interstate Nexus of firearms and ammunition, examined the Sig Sauer, Model P938, 9mm Parabellum caliber pistol, with obliterated Serial Number. The ATF agent trained in the Interstate Nexus of firearms and ammunition concluded that the firearm was not manufactured in the State of Texas and therefore traveled in interstate commerce.